

Udall (NM) Webb Wicker
Warner Whitehouse Wyden

NAYS—2

DeMint

Vitter

NOT VOTING—2

Rockefeller Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 87, H.R. 1249, the Leahy-Smith America Invents Act:

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Joseph I. Lieberman, Richard Blumenthal, Charles E. Schumer, Amy Klobuchar, Robert Menendez, Jeanne Shaheen, John F. Kerry, Mark Udall, Mark R. Warner, Ben Nelson, Jeff Bingaman, Max Baucus, Mark Begich, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1249, an act to amend title 35, United States Code, to provide for patent reform, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

Akaka	Brown (MA)	Coons
Alexander	Brown (OH)	Corker
Ayotte	Burr	Cornyn
Barrasso	Cantwell	Crapo
Baucus	Cardin	Durbin
Begich	Carper	Enzi
Bennet	Casey	Feinstein
Bingaman	Chambliss	Franken
Blumenthal	Coats	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan

Harkin	Lieberman	Roberts
Hatch	Lugar	Sanders
Heller	Manchin	Schumer
Hoeven	McCain	Sessions
Hutchison	McCaskill	Shaheen
Inhofe	McConnell	Shelby
Inouye	Menendez	Snowe
Isakson	Merkley	Stabenow
Johanns	Mikulski	Tester
Johnson (SD)	Moran	Thune
Kerry	Murkowski	Toomey
Kirk	Murray	Udall (CO)
Klobuchar	Nelson (NE)	Udall (NM)
Kohl	Nelson (FL)	Vitter
Kyl	Portman	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wicker
Levin	Risch	Wyden

NAYS—5

Coburn
DeMint

Johnson (WI)
Lee

Paul

NOT VOTING—2

Rockefeller Rubio

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. BROWN of Ohio. Mr. President, yesterday I was in Cincinnati, OH. Terralift has the largest Labor Day gathering in the United States of America by 15,000, 20,000, around Coney Island and just southeast of Cincinnati, not far from the Ohio River. They have a picnic every year celebrating workers, not just organized workers but workers generally.

I met a woman there by the name of Lillian Brayhound, and Ms. Brayhound was wearing a t-shirt that said "Service Employees International Union." I asked her where she works, and she said she is a custodian in downtown Cincinnati. And I remember that 3 or 4 years ago I was at a dinner, and there was a group of workers, all middle-aged women, mostly minorities, mostly African American, a couple Latino women, and they had just signed their first union contract to represent the custodians in downtown Cincinnati office buildings.

I sat down at this table, and I said: What does this new union contract mean to you, to the workers there?

A 50-year-old woman turned to me and she said: This is the first time in my life I have ever had a paid week vacation.

Think about that: This is the first time in my life I have ever had a paid week vacation. That was because those workers, each of them working separately before for a building owner in a downtown Cincinnati office building, had gotten together, had voted to join a union, had the right to organize and bargain collectively. They still weren't getting rich. They still weren't making more than, I believe, if I recall, \$10 or

\$11 an hour. But now they had a bit of a pension, now they had health care, and now they had a chance to actually earn a 1-week vacation, something many, many workers in America don't have the opportunity for. And when I hear people say: Well, unions meant something in the past, but they have outlived their usefulness, that really tells you what that is all about.

We celebrate that on Labor Day, but we also know the union movement is under attack. We look at what has happened in the Ohio Statehouse, where legislators in Columbus, most of whom were elected by talking about lost jobs in large part because of what happened in the Bush administration and the 8 years previously, but people who were very unhappy, as they have a right to be, as they should be, because of lost jobs, but what they have done is, after getting elected, they have gone after collective bargaining rights, worker rights. They have attacked voter rights. They have attacked in far too many cases women's rights.

Let's be clear. It is not teachers and firefighters and police officers who caused Ohio's budget deficit. It is not teachers and firefighters and police officers who caused this financial implosion our Nation has. Look at the history. It has been tax cuts for the wealthy; it has been reckless spending, overspending on corporate welfare, overspending on all kinds of things; it has been regulatory sleepwalking that has left our economy in ruins. As a result, we have a widening income gap, with wages generally stagnant for the last decade for middle-class and working-class voter citizens, wages stagnating or declining for most of the workforce but salaries and bonuses going up for people who are the most privileged, the bankers and wealthy executives and CEOs.

Robert Reich recently pointed out that the 5 percent of Americans with the highest incomes now account for 37 percent of all consumption. Reich points out that when income is concentrated at the top, the middle class doesn't have enough purchasing power to pull themselves out of this recession our economy suffers. The wealthiest people can only spend so much. If the middle class has their wages stagnant or actually decline, there simply isn't the purchasing power we need to create the demand to grow our economy. Our economy has been most prosperous when the middle class is thriving rather than when we have these huge gaps in income.

Today we have lost the consensus that our Nation's prosperity was tied to a thriving middle class, where opportunity was afforded to those seeking to join it.

We used to see that consensus on manufacturing, where an economy built wealth and built strong communities for millions of Americans around production. You only create wealth by mining, by agriculture—growing something—and by manufacturing. Yet we